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6 **UNITED STATES DISTRICT COURT**  
7 **WESTERN DISTRICT OF WASHINGTON**  
8 **AT SEATTLE**

9 **UNITED STATES OF AMERICA,**

10 **Plaintiff,**

11 **v.**

12 **ERIC MYSZKE-FRANCIS,**

13 **Defendant.**

**NO. 2:11-mj-00360-BAT**

**NOTICE OF APPEARANCE, DEMAND  
FOR JURY TRIAL, DEMAND FOR  
DISCOVERY, BILL OF  
PARTICULARS and OMNIBUS  
APPLICATION**

14 TO: Clerk of the Above-entitled Court; and

15 TO: United States Attorney:

16 **COMES NOW** the Defendant, by and through his/her attorney, and appears in  
17 the above-entitled action and requests that all further papers and pleadings herein be  
18 served upon said attorney at her address stated below:  
19

20 **RHODES & MERYHEW**  
21 **600 First Avenue, Suite 410**  
22 **Seattle, WA 98104**  
**(206) 264-1590; fax: (206) 264-1593**

23 The Defendant hereby enters a plea of NOT GUILTY and demands a jury trial. **THE**  
24 **DEFENDANT HEREBY INVOKES ALL AVAILABLE RIGHTS TO COUNSEL,**  
25 **ESPECIALLY THOSE UNDER THE WASHINGTON CONSTITUTION AND**

**NOTICE OF APPEARANCE - 1**

**RHODES & MERYHEW, LLP**  
600 First Avenue, Suite 410  
Seattle, Washington 98104  
TEL: 206-264-1590 - FAX: 206-264-1593

**THE FIFTH AND SIXTH AMENDMENTS TO THE UNITED STATES  
CONSTITUTION. THIS DEFENDANT REFUSES INTERROGATION ON ANY  
SUBJECT WHATSOEVER.**

**FURTHER, PLEASE TAKE NOTICE** that, pursuant to the authority of CrR 4.7, CrR 4.7, CrR 6.13(c) (2), ER 705, RCW 10.58.010, 10.37.050, it seq., 46.61.502, .504 and .506, 42.17.260, the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, and Article 1, Sections 3, 7, 29, and 30, and the Tenth Amendment to the Washington State Constitution, the Defendant hereby makes the following DEMANDS, MOTIONS, and REQUESTS FOR DISCOVERY in the matter(s) pending under this cause number:

1. A written Bill of Particulars, including a description of all facts upon which the prosecution intends to rely to support the charge pending against the defendant, and a statement of the specific statute under which the defendant is charged;
2. Copies of any and all police or investigative reports and statement of claimed experts made in connection with this particular case, including results of physical or mental examinations and scientific test, experiments, or comparisons made in connection with the defendant's arrest;
3. That any physical evidence in the custody of the State or its agents be tested for any and all potential evidentiary value in a timely manner, and that all efforts be taken to preserve that evidence from destruction.
4. The names and addresses of any and all persons whom the plaintiff intends to call as witnesses at the hearing or trial, together with any and all written or recorded statements, and the substance of any oral statements of such witnesses, together with a summary of the expected testimony of any witness the plaintiff intends to call if the substance of the expected testimony is not contained in the materials otherwise provided;
5. Copies of any written or recorded statements and the substance of any oral statement made by the Defendant, and take notice that the Defendant hereby demands a

1 hearing pursuant to CrR 3.5 if the prosecution intends to offer any such statements in  
2 its case in chief;

- 3 6. A list of, copies of, and access to any books, papers, documents, photographs, or  
4 tangible objects which the Prosecuting Attorney intends to use in the hearing or trial;
- 5 7. Any record or prior criminal conviction known to the Prosecuting Attorney of the  
6 defendant;
- 7 8. Any material or information within the Prosecutor's knowledge which tends to  
8 negate the defendant's guilt as to the offense charged;
- 9 9. Any expert witness whom the Prosecuting Attorney will or may call at the hearing  
10 or trial, the subject of their testimony, and any reports they have submitted to the  
11 Prosecuting Attorney;
- 12 10. A copy of any tape recording of radio or telephone communications made over or  
13 through the '911' system and relating to the identity, investigation, detention, arrest  
14 and booking or charging of the defendant;
- 15 11. Demands trial within the time period required by CrR 3.3, objects to any trial date  
16 not so set and moves the court for an order setting a speedy trial date;
- 17 12. Defendant further objects to the failure of the prosecution to properly verify the  
18 complaint herein, objects to the untimely filing of same and moves to dismiss all  
19 charges ending herein.

20 **YOU ARE FURTHER NOTIFIED** that the failure to comply with these requests  
21 will result in the Defendant moving for appropriate relief at time of hearing or trial.

22 **DATED** this 2<sup>nd</sup> day of August, 2011.

23 RHODES & MERYHEW

24 s/ Brad A. Meryhew

25 BRAD A. MERYHEW, WSBA#26797

RHODES & MERYHEW, LLP

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